

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) CASE NO: 10-55117
) Chapter 13
Susan McAlister) Judge Marilyn Shea-Stonum
) AMENDED MOTION TO ESTABLISH
) VALUE
Debtor(s) OF SECURED CLAIM(S)

Now the above-captioned debtor who prays for the entry of an order setting forth the value of the collateral in which each creditor named below claims or may claim to have a security interest for the purpose of establishing the extent to which each such creditor holds a secured claim pursuant to 11 U.S.C. §506(a). The amount set forth in the column labeled "secured value" is the value of the collateral and the amount which each such creditor will receive in full inside the plan prior to other creditors, but subject to concurrent payment of administrative expenses. The amount set forth in the column labeled "unsecured amount" is an estimate of the total amount of the debt less the "secured value" and is subject to adjustment based upon the amount of the claim filed by the creditor. The "unsecured amount" will be paid pro rata payments along with the general unsecured creditors provided for in the plan. If the amount listed in the "unsecured amount" column is zero, the debtor(s) intend(s) to pay the creditor in full inside the plan. If the amount in the column labeled "interest" is zero, no interest will be paid on the secured claim. If the amount in the column labeled "fixed payment" is zero, the secured claim shall be paid a pro rata distribution prior to other creditors but subject to concurrent payment of administrative expenses.

CREDITOR	SECURED VALUE	UNSECURED AMOUNT	INTEREST (if applicable)	FIXED PYT.
Capital One Auto	\$2,500.00	\$9,751.14	5%	\$47.18/mo
	p.m.s.i. in 2001 Dodge Durango vehicle			

The debtor requests that the Court take judicial notice of the debtor's schedule D, "secured claims," for further information concerning the collateral and nature of the lien. A copy of this schedule is attached hereto as Exhibit "A."

NOTICE

No hearing shall be held on the foregoing, and the same may be granted without a hearing, unless an affected party files with the Court within fourteen (14) days from the date of the service of this notice a written request for a hearing on the foregoing with the Clerk of this Court at 455 U.S.Courthouse, 2 S. Main St., Akron, Ohio 44308 and serves a copy of this hearing request upon the attorney for the debtor(s). 11 U.S.C. §102(1)(b).

AFFIDAVIT OF DEBTOR('S)(S') COUNSEL

I, Robert M. Whittington, Jr., am counsel for the debtor(s) herein and I do state that prior to submitting a proposed order to the Court granting this motion I will have reviewed the claims register docket for this case on PACER and will provide on the service list for such proposed order all addresses shown on proofs of claims for respondents to this motion in addition to those shown on the certificate of service for this motion set forth below.

/s/ Robert M. Whittington, Jr.

Robert M. Whittington, Jr. 0007851
Elk, Elk & Whittington
159 S. Main St.
Akron, OH 44308
Voice (330) 384 8484
Fax (330) 384 8953
E-mail elkwhitt@neo.rr.com

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by ordinary U.S. Mail, postage prepaid, on November 9, 2010 to those parties whose names and complete addresses appear below.

/s/ Robert M. Whittington, Jr.

Robert M. Whittington, Jr.

Keith Rucinski, Chapter 13 Trustee
I Cascade Plaza, 20th Floor
Akron, OH 44308

U.S. Trustee
201 Superior Ave. E. #441
Cleveland, OH 44114

Capital One Auto Finance
c/o Ascension Capital Group
Attn: Officer or General Counsel
P.O. Box 201347
Arlington, TX 76006

CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED:

Capital One Auto Finance
Attn; Officer or General Counsel
P.O. Box 260848
Plano, TX 75026-0848

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) CASE NO: 10-55117
Susan McAlister) Chapter 13
) Judge Marilyn Shea-Stonum
) AM ENDED NOTICE OF
) MOTION TO ESTABLISH
) SECURED VALUE
Debtors.

The debtor has filed papers with the Court to determine the value of collateral.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the motion, or if you want the Court to consider your views on the motion, then on or before November 30, 2010, you or your attorney must file with the Court a written request for a hearing and a written answer explaining your position at the office of the Clerk of the Bankruptcy Court, room 455, U.S. Courthouse, 2 S. Main Street, Akron, Ohio 44308. If you mail your request to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Robert M. Whittington, Jr., 1023 Key Bldg., 159 S. Main Street, Akron, OH
44308

Keith Rucinski, chapter 13 trustee, I Cascade Plaza, #2020, Akron, OH 44308

If you or your attorney do not take these steps, the Court may decide that you do

not oppose the relief sought in the motion or objection and may enter an order granting that relief.

DATE: November 9, 2010

Robert M. Whittington, Jr., 0007851
Attorney for the Debtor(s)
1023 Key Bldg.
159 S. Main St.
Akron, OH 44308
(330) 384-8484

B6D (Official Form 6D) (12/07)

In re Susan McAlister,

Case No. _____

Debtor

(If known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim Without Deducting Value of Collateral" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion, if Any" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See Instructions Above.)	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.		Incurred: 2005					9,751.14
Capital One Auto Finance c/o Ascension Capital Group P.O. Box 201347 Arlington, TX 76006		Lien: PMSI Security: 2001 Dodge Durango				12,251.14	
		VALUE \$ 2,500.00					
ACCOUNT NO.							
Capital One Auto Finance P.O. Box 260848 Plano, TX 75026-0848						Notice Only	Notice Only
		VALUE \$ 0.00					
ACCOUNT NO.		Notify with respect to claim of Wells Fargo Mortgage					
Marix Servicing P.O. Box 42008 Phoenix, AZ 85080						Notice Only	Notice Only
		VALUE \$ 0.00					
Subtotal (Total of this page) ➤						\$ 12,251.14	\$ 9,751.14
Total (Use only on last page) ➤						\$	\$

1 continuation sheets attached

(Report also on
Summary of Schedules)

(If applicable, report
also on Statistical
Summary of Certain
Liabilities and Related
Data.)